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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,188	12/09/2005	Serge Tetart	264665US0PCT	1490

22850 7590 03/18/2008

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EXAMINER	
NILAND, PATRICK DENNIS	

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
03/18/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/522,188	TETART, SERGE	
	Examiner	Art Unit	
	Patrick D. Niland	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,15,17-19 and 22-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *15* is/are allowed.

6)☒ Claim(s) *1-9,17-19 and 22-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. The amendment of 12/12/07 has been entered. Claims 1-9, 15, 17-19, and 22-24 are pending.

2. Claims 1-9, 17-19, and 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. Claim 1 recites "by forming a blanket the sized mineral fibers…" in product (3). This grammar makes the claim unclear. It appears that "of" should not have been deleted.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-9, 18-19, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5270434 Tetart et al. in view of US Pat. No. 6395819 Espiard et al. and WO 01/23655 Zeng et al..

Tetart discloses the instantly claimed sizing composition and insulation products made therefrom. It is noted that the excess of formaldehyde of Tetart, column 6, lines 41-44 falls within the scope of the instantly claimed crosslinking agent of claims 1, 18, 19 according to page 7 line 25 of the instant specification with the "gel" reference of column 6, lines 44-48 indicating that crosslinking actually occurs during sizing. See the abstract; column 1, lines 1-68, particularly 12-15, 20-22, and 25-44 of which 38-44 indicates crosslinking of the size; column 2, lines 1-68, particularly 10-13; column 3, lines 1-68, particularly 44-68; column 4, lines 1-68, particularly 1-2 which fall within the scope of the instantly claimed aminoalcohols of claims 1, 3,

5, lines 3-19; column 6, lines 1-68,particularly 33-44; and the remainder of the document. "Comprising" of the instant claims encompasses extra steps and/or ingredients of the references.

The patentee is silent regarding the specific structure of the disclosed "insulating products" of column 6, line 36. Since the instant applicant is a coinventor of the Tetart et al. patent, the examiner asks for information regarding what these "insulating products" were intended to be in terms of their structure. In other words were the structures of these "insulating products" intended to be the same as the structures of the insulating products of the instant claims? See 37 CFR 1.56.

It would have been obvious to one of ordinary skill in the art at the time of the instantly claimed invention to use the instantly claimed sizing composition on insulating products having the instantly claimed structures because such structures are known as taught by Espiard et al., abstract; column 8, lines 32-39, which includes the instantly claimed densities of claim 1 and Zeng et al., abstract, Figure 1, page 4, lines 7-11 of which the scrim is taken as falling within the scope of the tissue mat of article number 3 of claim 1, these articles may be of sized fibers and they would have been expected to benefit from the properties of the sizing of Tetart et al. for the reasons disclosed in Tetart et al. in its entirety.

The instant claims are directed to products per se. The new recitation of "simultaneously" regarding the method of making the resin is noted. However, it is not seen that the product of this method is different than the product of Tetart. It is noted that the phenol ratio of column 4, lines 29-33 allows for excess phenol to remain to react with the aminoalcohol, which would appear to give the same or similar product as the instantly claimed method. The PTO has to experimental facilities to make such determinations. The burden is therefore on the applicant to

show that the method of the instant product claims gives a different product than the method of Tetart and an unobvious difference. See MPEP 2112-2113. The applicant's arguments in this regard are noted but there is no probative evidence that the products of the instant claims are different than those discussed above due to the newly recited method of making the resin, particularly considering the phenol ratios of Tetart. It is noted that Tetart has low residual contents of formaldehyde and the same water dilutability as the instantly claimed resins and thus appears to give the same product as the instant claims. It is further noted that the instant claims do not recite sufficient reaction parameters, such as reaction time, temperature, pressure, etc., nor any amount of free reactants to support the applicant's representatives remarks, which are unsupported by probative evidence, regarding any differences due to "simultaneous" reaction. For the above reasons, this rejection is maintained.

5. Claim 15 is allowable for reasons of record.

6. Claim 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The prior art of record does not disclose the instantly claimed invention nor provide rationale for using the limitations of claim 17.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick D. Niland whose telephone number is 571-272-1121. The examiner can normally be reached on Monday to Thursday from 10 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Patrick D Niland/
Primary Examiner
Art Unit 1796